



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2017-124: To authorize Cellco Partnership, doing business as Verizon Wireless, to encroach upon the City of Richmond's rights-of-way with cell antennas and related equipment to be mounted on designated utility poles approximately located at 5201 Patterson Avenue, in the alley behind 336 Lexington Road, in the alley behind 4601 Leonard Parkway, at 4700 Hanover Avenue, and at 3407 Floyd Avenue, respectively, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: July 17, 2017

PETITIONER

City of Richmond, Department of Public Works

LOCATION

5201 Patterson Avenue
Alley behind 336 Lexington Road
Alley behind 4601 Leonard Parkway
4700 Hanover Avenue
3407 Floyd Avenue

PURPOSE

To authorize Cellco Partnership to encroach upon the City of Richmond's rights-of-way with five small cell antennas and related equipment, all of which will be mounted on utility poles owned by others in locations as generally illustrated on a schematic map prepared by the Department of Public Works, designated as DPW Drawing No. N – 28780, dated 5/9/2017 and entitled "APPROXIMATE INCOACHMENT LOCATION OF FIVE CELL ANTENNAS AND RELATED EQUIPMENT TO BE ATTACHED TO UNTILTY POLES WITHIN THE PUBLIC RIGHTS-OF-WAY FOR CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS."

SUMMARY & RECOMMENDATION

The applicant requests permission to install small cell antenna and their related equipment (all will be attached to utility poles owned by others) at five different locations that are within the City's public rights-of-way. The Applicant has provided documentation of attachment agreements from the owners of these poles (Dominion and Verizon).

The antenna will be attached on top of utility poles which are in established locations. The existing wooden utility poles are scheduled for replacement or extension upgrade prior to the installation of the antenna. Authorization for the pole modifications will be through procedures established by the respective franchise agreements of Verizon and Dominion

The height of these new poles will vary (between 40.5 to 49 feet above grade) based upon individual location and vary between 7' – 9.5' higher than the pole they replace. The attached antenna will add an additional 3.5' – 4.0' to the overall height. Additional appurtenances and

equipment (cabinets and meters) will be also be attached on an individual pole. Exhibit A presents an elevation view of a typical antenna location. Elevations and dimensions vary between locations.

The applicant has presented the proposed antenna locations and construction to the Urban Design Committee at its March 9, 2017 meeting and approval was recommended.

The Department of Public Works staff offers no objections to the proposed encroachment, with the following terms and conditions:

1. The encroachment request is for five facilities (includes small cell antenna and their related equipment) which will all be attached to utility poles owned by others. All fiber, materials, and conduit, etc. being used to network these facilities is being leased to Cellco Partnership from Verizon. Verizon currently has a Franchise Agreement with the City; therefore, an encroachment permit for these Verizon facilities is not needed. If any change is made to the lease agreement between Cellco Partnership and Verizon regarding these network facilities, the applicant(s), owner(s), successor(s) agree to immediately notify the Department of Public Work's Right of Way Division of this change.
2. All costs incidental to this encroachment shall be borne by the applicant(s), owner(s), successor(s), including, without limitation, realignment, restoration and/or replacement of street, pavement and sidewalk infrastructure; utilities; signals, signs and pavement markings; right-of-way monumentation; and maintenance of the approved encroachment(s), etc., as directed by City agencies.
3. The applicant(s)/owner(s)/successor(s) shall provide liability insurance as set forth in Section 24-62 of the City Code and shall be maintained in effect for the life of the encroachments.
4. As set forth in the City Code (Section 24-64), the applicant(s)/owner(s)/successor(s) may be subject to an annual encroachment assessment of \$0.25 per linear foot for cable/conduit/guy wires and anchors and \$0.25 per square foot for other specific facilities including cell antennas and related telecommunication equipment mounted on utility poles
5. As set forth in the City Code (Section 24-62); the applicant(s)/owner(s)/successor(s) shall provide a removal bond which shall be maintained in effect for the life of the encroachments.
6. The applicant(s)/owner(s)/successor(s) shall bear all cost for removal, repair, relocation, or replacement of the encroachments in the event of damage or movement due to, but not limited to, vehicular travel, alterations or failure of City utilities, or due to the public's use of the right-of-way.
7. The applicant(s)/owner(s)/successor(s) shall secure the proper permits, and the encroachment shall be maintained in a manner satisfactory to best management/construction practices and to the Directors of Public Works and Planning and Development Review.
8. The ordinance shall authorize DPW staff to make minor adjustments to the locations of the encroachments administratively. Detailed plans of all encroachments are on file with DPW in Room 600.

9. The applicant shall apply to “Miss Utility” underground utility prevention program per Virginia Code Sec. 56-265.14 et. seq.

10. Upon completion of the project, the applicant shall provide as-built drawings to include dimensions showing specific location of all encroachments relative to identifiable physical features to Director of Public Works or designee.

11. The applicant(s)/owner(s)/successor(s) shall provide written notification to the Assessor, Director of Finance and the Director of Public Works of any new owner’s name and mailing address immediately upon transferring ownership or encroachment rights to another individual or party.

12. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence that all conditions of the ordinance have been satisfied. Should this written evidence not be submitted to the said offices prior to the expiration date, twelve months after final approval of the ordinance, the ordinance will become null and void automatically.

FINDINGS OF FACT

Site Description

The proposed rights-of-way locations for the five (5) antennas are as follows:

5201 Patterson Ave: Antenna N002 Patterson: Willow Lawn Drive and Patterson Avenue,

Alley behind 336 Lexington Road: Antenna N002 Stuart: Between Patterson and Grove Avenues at Albemarle Avenue and Lexington Road.

Alley behind 4601 Leonard Parkway: Antenna N004 Stuart: Leonard Parkway and Westmoreland Street

4700 Hanover Avenue: Antenna N015 Stuart: Hanover and Bunting Avenues

3407 Floyd Avenue: Antenna N027 Richmond Fan: Floyd and Crenshaw Avenues.

Master Plan & Zoning

The City of Richmond’s current Master Plan designates the majority of the above locations for Single-Family Low-Density land use which includes, “...single-family detached dwellings at densities up to seven units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R-5.” (City of Richmond, Master Plan, p. 133)

The proposed location at 3407 Floyd Avenue is designated for Single-Family Medium-Density land use which includes “...single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of

worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-5A, R-6 and R-7. (Ibid)

The current zoning designation for the above locations is R-1, R-5, and R-6. Adjacent and nearby properties are a combination of similar Residential zones.

Staff Contact: Marvin Anderson, Department of Public Works, 646-0435